

August 9, 1963

MEMORANDUM FOR THE ATTORNEY GENERAL

John McNally is one of the eleven who are going to be installed as the first members of the Football Hall of Fame. He is a great fellow. Byron is going out to present McNally with his plaque. I told McNally that I would call this invitation to your attention. Their position is that Presidents generally have done a great deal for baseball, but nothing for football, and that President Kennedy should do something for football. McNally is a friend of mine, a long-time friend of John Dear, and a supporter and booster of yours.

RM

August 9, 1963

MEMORANDUM FOR THE ATTORNEY GENERAL

I don't think it is necessary or desirable to make the Service's duties and procedures as specific as they are in Section 3. It will save people; it sounds bureaucratic; and I doubt whether "hearings" will be fruitful.

RM

August 7, 1963

MEMORANDUM TO THE ATTORNEY GENERAL

I think this is inconclusive to show any continuing relationship. The Bureau should keep on it, and we should wait.

BM

1 0 0 AG

August 1, 1968

MEMORANDUM FOR: The Attorney General

FROM: Louis Martin

1. In an exploratory conference with Lee White regarding threatened violence in demonstrations in New York and elsewhere I brought up the possibility of making some use of the Civil Rights Commission.

a. It seems to me that quick emergency hearings could be called by the Civil Rights Commission at trouble spots. With subpoena power the key figures on both sides in the trouble areas could be questioned. If there are fakers and irresponsible leaders involved, they could be exposed, and be made to look ridiculous. This would dissuade innocent do-gooders from joining them.

b. I think the calling of such hearings might tend to put the brakes on extremists who might be seeking to use the legitimate grievances of Negroes for ulterior purposes.

2. Lee White pointed out that while various civil rights leaders have cautioned against violence in demonstrations individually, they have not done it in concert. I believe it is possible to get the big six civil rights leaders on a national television network to caution against violence in the demonstrations. It is conceivable that such a television program could be done in a few days before the demonstrations in Washington. Roy Wilkins is on "that the [unclear]" and has agreed to keep off other programs a few days before and after that date.

To: The Attorney General
Fr: Louis Martin

ENC. 1

3. Personally, I do not believe that full use is being made of all the Civil Rights Commission's resources in this critical period. I also agree that they have not shown the greatest wisdom in some of their operations in the past. Nevertheless, I feel that some of the heat of the current crisis could be deflected their way.

Department of Justice
Washington

26 July 1963

MEMORANDUM FOR THE ATTORNEY GENERAL

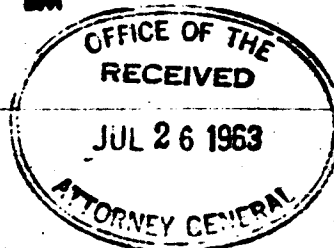
The two Negro officers from Nowata, Oklahoma, whose father was refused burial in the cemetery there, are Lt. Col. Paul W. Hubbard of the Army, and Lt. Col. George M. Hubbard of the Air Force.

Their father, George Washington Hubbard, had lived in Nowata for 41 years and was in the same job there as custodian in a bank for 36 years. When he died his family was refused space in the Memorial Cemetery which is owned by the city. The two sons wired you and the telegram was sent to me.

I called Senator Edmondson. The original decision was made by the City Manager. Senator Edmondson talked to him, and when that did no good, arranged for the City Council to review the decision of the City Manager. They stood behind it. The Senator then asked the Governor to intervene, and another Council meeting reached the same decision.

Mr. Hubbard's body was buried in Coffeyville, Kansas.

There is a Negro on the City Council but it seems apparent that he is a segregationist.



AG-2

2 August 1963

MEMORANDUM FOR THE ATTORNEY GENERAL

This morning at 9:40 Mayor MacLean of Savannah, Georgia, called Mr. Marshall to report that in his opinion, things were "going to be all right down here" -- an agreement has been worked out that seems to be satisfactory to everyone concerned, and he thinks Savannah is over the hump.

John Dear
First Assistant
Civil Rights Division

cc: AAG Oberdorfer

29 July 1963

MEMORANDUM FOR THE ATTORNEY GENERAL

I have discussed the attached with Bernie Boutin. The only specific disadvantage he sees is that Senator McClellan may react in some way in his capacity as Chairman of the Government Operations Committee. In addition, of course, the use of this leverage would not sit well with those who are already mad at us because of civil rights. There would be a good many disposals affected. For example, Leander Perez is now negotiating for some property for school use; if he gets it from the federal government, it will be of great financial benefit. There are other such projects where half or all of the fair value is forgiven. If some of these deals fall through, it is Mr. Boutin's view that the Government as a whole will not be damaged thereby. I would agree. Perhaps you should discuss it directly with him, or we should have a meeting.

BM

Attachment

AG's file

26 July 1963

MEMORANDUM FOR THE ATTORNEY GENERAL

The two Negro officers from Nowata, Oklahoma, whose father was refused burial in the cemetery there, are Lt. Col. Paul W. Hubbard of the Army, and Lt. Col. George M. Hubbard of the Air Force.

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There is a Negro on the City Council but it seems apparent that he is a segregationist.

DM

26 July 1963

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: University of Alabama

The Administration of the University of Alabama would like to get additional financial help out of one of three programs, although they also kindly supplied me with the attached sheet showing their commitments, and means of meeting them, and emergency possibilities

1. A NASA grant for aerospace and physical sciences research. This is an existing grant for \$300,000 this fiscal year, \$200,000 the next fiscal year, and \$100,000 the following year. It would normally be supplemented up to \$300,000 each year. The grant could be broadened in scope to strengthen the University generally, and the limitation to research only removed. This would justify expenditures for faculty commitments in Tuscaloosa within the general area of study covered by the grant.
2. An Army grant starting next year for \$300,000 per year. This is also, under the present application, limited to research. It has not been approved but its approval is in process. It would have to be broadened in the same way as the NASA grant in Paragraph 1, but this could be done by cutting down the research funds request before approval of the grant to \$200,000 a year and then using the \$100,000, plus additional funds, to strengthen the University generally within the field covered by the grant.
3. A training grant from the Army in the amount of \$360,000 a year. This has already been approved and already applies to faculty,

but is defined in terms of specific items. Dr. Fow says that he could justify a modification of this grant to provide for the general development of the University of Tuscaloosa in the areas of the University's work which are of interest to the Marshall Space Center.

Is there anything I should do about this? I was noncommittal.

BM

cc: Deputy Attorney General

July 24, 1968

MEMORANDUM TO THE ATTORNEY GENERAL

I do not see why we should send anyone to this. The conference will deal with racial imbalance and transferring children to correct it. We have enough to do without getting into that area.

BM

July 23, 1963

MEMORANDUM TO THE ATTORNEY GENERAL

Re: Community Relations Service

The following are points about the job of running this Service:

(1) The racial ferment in this country is national in scope and immediate in need, but in its specifics can be dealt with immediately only on a community basis.

(2) The experience in the country has shown beyond question that with some exceptions most cities are not equipped in any way to deal with this, particularly in the South but to a large extent in the North as well.

(3) It has been our experience in a large number of cities, almost without exception, that intervention from the outside in the person of someone who can call upon the resources and influence of the Federal Government and Federal officials for assistance can be not only helpful but sometimes crucial in resolving critical situations. The most recent example is Cambridge. Others are Birmingham and Gadsden.

(4) The legislation which has been proposed will deal to some extent with the immediate problem of public accommodations if it is passed. In a good number of cities there will be very difficult problems even with the legislation. If the legislation fails the problems in these cities over the next few months will be critical for the communities and the states in which they are located and for the country. In either event an effort from the Federal Government to persuade acceptance of this change is going to be essential.

(5) Until now there has been no place within the Federal Government, except the Department of Justice, from which this kind of effort can be started. This is unsatisfactory because of the enforcement responsibilities of the Department and its lawyers are overburdened in this area to start with. There are not enough people, and those who are available have too many other responsibilities. In addition the needs of the situation often cut across many departments and agencies of the Federal Government so that it is desirable for the responsibility for this kind of service to be centered and to be placed outside of any one particular department.

(6) This is a most difficult task because the machinery for dealing with differences and bringing a community around to facing and proceeding to resolve its racial injustices is not formalized. In some places the political machinery is opposed to any solutions, and answers must come from the businessmen, the churches or the labor groups or a combination. In some places there is rivalry among Negro groups and particular Negro leaders. This calls for a great deal of patience and mediation skills for which lawyers' techniques are very useful and a background of labor arbitration is highly adaptable.

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

aj's file

July 19, 1963

MEMORANDUM FOR THE ATTORNEY GENERAL

The attached was discussed with Carl Kayser who responded with a memo. Do you want me to see these people or should I not?

RM

must be
Duncan
Mahoney

0 0 Abs file

July 16, 1963

MEMORANDUM TO THE ATTORNEY GENERAL

You may be interested, in glancing
through this report on conditions at the
Mississippi Air Force Bases.

EM

FROM
DIRECTOR OF PUBLIC INFORMATION
OFFICE OF THE ATTORNEY GENERAL
to
Official indicated below by check mark

Attorney General	
Deputy Attorney General	
First Assistant Deputy Attorney General	
Executive Office For U. S. Attorneys	
Executive Office For U. S. Marshals	
Solicitor General	
Executive Assistant to the Attorney General	
Assistant Attorney General, Antitrust	
Assistant Attorney General, Tax	
Assistant Attorney General, Civil	
Assistant Attorney General, Lands	
Assistant Attorney General, Criminal	
Assistant Attorney General, Office of Legal Counsel	
Assistant Attorney General, Internal Security	
Assistant Attorney General, Civil Rights	<input checked="" type="checkbox"/>
Administrative Assistant Attorney General	
Budget and Accounts Office	
Records Administration Office	
Personnel Office	
Administrative Services Office	
Supplies and Printing Section	
Transcription Section	
Director, FBI	
Assistant to the Director - Room 5600	
Director of Prisons	
Director, Office of Alien Property	
Commissioner, Immigration and Naturalization	
Pardon Attorney	
Parole Board	
Board of Immigration Appeals	
Librarian	

MEMORANDUM

Burke:

It isn't a bad idea --
but difficult for the networks
because of sponsor difficulties.
It might be suggested in an
offhand way, but I don't think
we should be pushing too hard
on this.

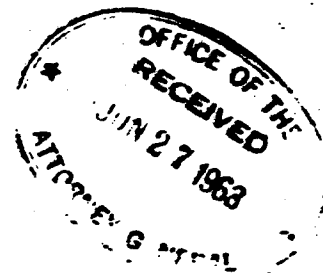
RM

Letter for AG's
signature

Dear Mr. Bellah:
It was kind of you
to write me and
give me your idea for a
program showing the
file union connected
with the direct action
part movement. I have no
doubt I would be a useful

worthwhile use of television
too. I firmly believe that
up to the networks. I hope think you should make the suggestion. Sincerely

From
ASSISTANT ATTORNEY GENERAL
CIVIL RIGHTS DIVISION
to



Official indicated below by check mark

The Attorney General _____	<input checked="" type="checkbox"/>
The Deputy Attorney General _____	<input type="checkbox"/>
The Solicitor General _____	<input type="checkbox"/>
Assistant Attorney General, Antitrust _____	<input type="checkbox"/>
Assistant Attorney General, Tax _____	<input type="checkbox"/>
Assistant Attorney General, Civil _____	<input type="checkbox"/>
Assistant Attorney General, Lands _____	<input type="checkbox"/>
Assistant Attorney General, Criminal _____	<input type="checkbox"/>
Assistant Attorney General, Legal Counsel _____	<input type="checkbox"/>
Assistant Attorney General, Alien Property _____	<input type="checkbox"/>
Assistant Attorney General, Internal Security _____	<input type="checkbox"/>
Administrative Assistant Attorney General _____	<input type="checkbox"/>
Director, F.B.I. _____	<input type="checkbox"/>
Director, Bureau of Prisons _____	<input type="checkbox"/>
Commissioner, Immig. and Naturalization _____	<input type="checkbox"/>
Pardon Attorney _____	<input type="checkbox"/>
Parole Board _____	<input type="checkbox"/>
Board of Immigration Appeals _____	<input type="checkbox"/>
Executive Assistant to the Attorney General _____	<input type="checkbox"/>
Director, Public Information _____	<input type="checkbox"/>
Records Administration Branch _____	<input type="checkbox"/>
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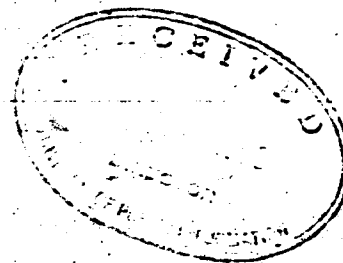
MEMORANDUM

June 27, 1963

Ed Guthman:

What do you think?

EH



AG's file

1 July 1968

MEMORANDUM FOR THE ATTORNEY GENERAL

In South Carolina 21% of the persons 25 and over have less than five years of school. 1960 census.

9.4% of the whites who are 25 and over have less than five years. 31.1% of the non-whites have less than five years.

11.2% of the whites and 19.7% of the non-whites have been through the fifth or sixth grade.

9.1% of the whites and 10% of the non-whites have been through the seventh grade only.

9.3% of the whites and 8.3% of the non-whites have been through the eighth grade only.

19.9% of the whites and 10.8% of the non-whites have been through one to three years of high school.

21.9% of the whites and 5.2% of the non-whites finished high school.

8.5% of the whites and 1.97% of the non-whites have from one to three years of college.

8.5% of the whites and 3% of the non-whites have four or more years of college.

BM

0

0

Kennedy

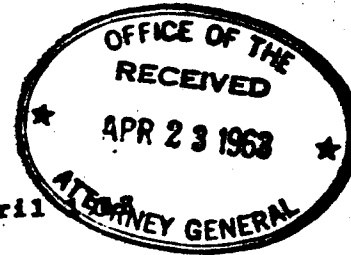
June 28, 1963

MEMORANDUM TO THE ATTORNEY GENERAL

This is a responsible voter registration project. I think we should see them if you have time.

■

Department of Justice
Washington



MEMORANDUM TO THE ATTORNEY GENERAL - MONDAY REPORT

The following are the matters of significance in the Division since the transmittal of our last report.

1. On April 17, I met in Jackson, Mississippi with Charles Clark, counsel for the University of Mississippi, and the lawyer members of the Board of Trustees, who are Tom Tubb, Charles Fair, Talley Ridell, and M. M. Roberts. The subject of the meeting was the request of the University that troops be withdrawn from the campus of the University and, if possible, from the Oxford area.

The University was unable to give me any assurances that they could expect back-up assistance in preserving order from either local or state law enforcement officials. The University presently has ten campus police, although they are not all on duty at the same time. It believes that these ten men would protect Meredith. The University is willing to attempt to hire five more campus police, but they pointed to the difficulty of hiring anyone in Mississippi who would accept this kind of responsibility.

Chancellor Williams and Dr. Jobe were present. The Chancellor was very clear that he could not guarantee the preservation of order without having back-up forces available.

The University officials said that they were suffering extremely from the events of last fall, and from the presence of the troops on the campus. Their

tuition-paying enrollment (from out-of-state students) is down about 50% for next year. If this continues, it will result in a loss of income in the area of \$450,000, out of a total of not much more than \$3,000,000. The University is also suffering serious faculty losses. The officials feel that the presence of armed troops on the campus, even in small numbers, is an important factor in student enrollment.

I stated our desire to have the troops removed from Mississippi and referred to the exchange of correspondence with the Governor on this subject. I also said that the responsibility for preventing interference with the fulfillment of the Court's order had been given by the President to the Secretary of Defense and then in turn to the Secretary of the Army, so that it would be necessary for the Secretary of the Army to be convinced that it was not necessary, in order for him to meet his responsibilities, to maintain troops on the campus.

At present there are eight guards at Baxter Hall, one of which is outside. When Meredith is out of Baxter Hall, there are four jeeps, containing two soldiers each, which are stationed at set locations. In addition to these men, there are also 20 soldiers on the campus, but away from the buildings and as far out of sight as possible, who serve as an alert platoon.

There are a total of 297 military personnel in Oxford. There are never more than 36 on the campus at one time.

2. On April 22, hearings started in Birmingham on contempt of court charges against Martin Luther King, Fred Shuttlesworth, Ralph Abernathy, Wyatt Tee Walker, and other Negro leaders, for violation of an injunction issued by a state court against Negro demonstrations. A motion to dissolve the injunction has been filed, and will be heard in state court after the contempt hearings.

An action has also been filed in federal court to enjoin further arrests. Motions have also been filed to remove other prosecutions against Negro demonstrators from the state court to the federal court. It is my judgment that these motions are not well taken, and will be denied.

Some white churches have admitted Negroes to services last Sunday and the preceding Sunday. Other than this, there has been no break in the situation.

The new city government has filed suit against the existing city administration which is challenging the legality of the elections. This is now before the Alabama Supreme Court, and should be decided next week. There are indications that the new city government will open more effective communications with some of the local Negro leadership.

On Friday, April 19, Fred Shuttlesworth came to Washington and conferred with me about the Birmingham situation. I told him that there was no basis upon which the federal government could take any action at present, but that we would keep fully informed on the situation, and would attempt to be helpful in any way possible. He, as well as King and Abernathy and some others, intend to stay in jail in order to test the constitutionality of the state court injunction, and as a general protest. King and others came out of jail on bond for the weekend.

There have been some continuing demonstrations, but no mass picketing or parading. The police on the whole have been conducting themselves with restraint. Nevertheless, the situation in Birmingham continues to be dangerous. The Negro population has no confidence at all in the local police and there is no doubt but that a good number of Negroes carry weapons of some sort.

3. On April 22, we initiated records' demands in Clay, Lamar, and Marion Counties, Mississippi, and Iberville and St. Helena Parishes, Louisiana.



Burke Marshall
Assistant Attorney General
Civil Rights Division

26 June 1968

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: The University of Alabama

The problem which Dr. Rose wants to discuss has the following financial aspects:

The University claims about a \$100,000 cost in police force overload. This consists of seven additional men needed now at a cost of \$42,000 per year; three more needed next fall at a cost of \$18,000; and about \$35,000 extra cost for the city of Tuscaloosa for overtime at the rate of about \$1,200 a day, which has been paid for out of the street fund.

The suggestion is that a grant to the University to take up some other expenses would permit them to bear these costs of their contingency funds.

BM

25 June 1963

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: Community Relations Service

In addition to David Cole, the following are names which we should consider for the mediation job, which will require more than one person in any event. This list is based in part on suggestions by Louis Martin.

Harold Fleming - of the Potomac Institute. I think he is the best of all the professional racial men that I know.

Brooks Hays

David Lawrence

Tom Farmer - a Washington lawyer

David Vann

Ted Kheel

Henry Steiger - Urban League

George Sherner - NAIRO

Mayer Dilworth

Philip Goodman - an unsuccessful candidate for mayor of Baltimore.

BM

U- AG file

14 June 1963

**MEMORANDUM TO THE ATTORNEY
GENERAL**

I asked about the one Negro white collar worker in Jackson, and received the following information:

"Sally Temple called from the President's Committee on Equal Employment Opportunity. The Negro in Jackson, Mississippi, about whom you inquired, is with the Mississippi Hospital and Medical Service (under the Civil Service Health Insurance Plan). He is a male clerical worker, with the chances being that he is a messenger. No name given."

BM

June 4, 1963

Burke:

The Bureau of Prisons man who (with his assistant, whose name I don't have) helped us in trying to get service on Governor Wallace, is:

George Cansler
Assistant Superintendent, Federal
Prison Camp, Maxwell Field
Montgomery, Alabama

We got in touch with him through the Bureau of Prisons at about 3:00 a.m. on Saturday, June 1. He, of course, had no advance warning and was gotten up in the middle of the night. At 6:00 a.m. he was sworn in by the United States Marshal for the Middle District of Alabama and at 8:40 a.m. boarded Eastern Flight 356 at the Montgomery Airport for Atlanta. As it turned out, the Governor was not on the plane and Mr. Cansler had an uneventful round trip to Atlanta. At my request he used his own personal funds to purchase the ticket. We were fearful that use of a government TR might arouse suspicion. I plan to speak to Mr. Andretta to be sure that he is promptly reimbursed.

I would suggest that, if the Attorney General writes to Mr. Cansler, a copy be sent to Jim Bennett.


St. John Barrett

AG file

4 June 1963

MEMORANDUM TO THE ATTORNEY GENERAL

The two deputies from the Southern District of Florida who worked on service of Governor Wallace are Cecil H. Miller and Donald D. Forsht. They worked on this assignment continuously for three or four days. The Governor would not have been served unless they had been unwilling to give up. It was Mr. Forsht who finally effected service on the Governor.

In addition, Mr. George Cansler, Assistant Superintendent, Federal Prison Camp, Maxwell Field in Montgomery, was awakened at 3:00 am Saturday morning, with no advance warning, was sworn in as a deputy at 6:00 am, and spent Saturday flying planes from Montgomery to Atlanta in case the Governor got on one of them. Although this did not result in service, I am informed that Mr. Cansler was completely cooperative and willing despite the time of day.

I would suggest that you write to these three men, with copies to Jim McShane and Jim Bennett respectively.

END

AC file

22 May 1963

MEMORANDUM TO THE ATTORNEY GENERAL

The President will probably be asked about the University of Alabama at his press conference.

I think there are three important points. One is that the Governor's statement yesterday reflects a personal position by the Governor; it has been publicly refuted by Attorney General Flowers. Another is that the Governor's action will unquestionably hurt the state as well as the country. And the third is that it will probably hurt the University. It will of course not accomplish anything since the court order has to be enforced.

In connection with the University, Frank Rose has asked that the President know of the following facts.

The University is 132 years old, one of the oldest in the country. It has five branches in the state, and the only major medical center in the state. Its student body now numbers 14,000. It is in mid-course of a five-year \$42 million dollar building program. Its Space Research Institute at Huntsville serves both the research and academic needs of NASA and the Army Missile Command there, and is a unique institution.

The Board of Trustees of the University has shown some responsibility. It sought clarification from the court as to the present effect of the Autherine Lucy order. Once that was given, it decided itself to admit the two Negroes who will attend. The University has thus shown no defiance of the law or disrespect for the court, unlike the University of Mississippi at one point.

2

The Negro male student is David McGlathery, a mathematician who works for NASA. The female student is Vivian Malone. Both are natives of Alabama.

Frank Rose also thinks it would be helpful if the President referred to the fact that the Board of Trustees, as early as last October, at the Homecoming Weekend, adopted a resolution to the effect that they would obey any court orders, and that this resolution was followed by overwhelming support from organized alumni groups throughout the state.

BN

as file

22 May 1968

MEMORANDUM TO THE ATTORNEY GENERAL

Re: Employment

After discussing it with John Macy, I have suggested that immediate concentration on the employment problem be in the following cities:

Jackson, Mississippi
Montgomery, Alabama
Nashville, Tennessee
Greensboro, North Carolina
Raleigh, North Carolina
Albany, Georgia
Baton Rouge, Louisiana
Savannah, Georgia

We agreed also, however, that efforts in these cities should be followed in other major cities in the South, even where there do not appear to be current problems. A second list now includes New Orleans, Memphis, and Houston. I expect to add to it if you approve, and to try to keep this going.

ag file

22 May 1968

MEMORANDUM TO THE ATTORNEY GENERAL

I have made some inquiry into the situation in Knoxville which you asked me about.

On May 9, 10 and 11, there were a number of arrests -- about 100 in all, with 45 on the first day -- mainly of Negroes, for demonstrations in front of movie theaters. The charges were interfering with trade or commerce in violation of a city ordinance. It is my guess, without knowing any detailed facts, that these charges cannot withstand constitutional attack.

There has been no activity since the 11th. The Bi-Racial Committee is functioning. I am informed that they will be able to deal with the movie theaters satisfactorily. They have already obtained agreements for the desegregation of three church-hospitals, not only with respect to patients, but also with respect to doctors.

BN

AG file

22 May 1963

MEMORANDUM TO THE ATTORNEY GENERAL

The following is a tentative list of Negro leaders to see the President, which I made up with Louis Martin.

Ray Wilkins
Martin Luther King
James Farmer
Whitney Young
A. Philip Randolph
Charles McDew (SNCC)
Harry Belafonte
Carl Murphy (AFRO chain of newspapers)
Washington Rhodes (Philadelphia publisher,
and President of Publishers Association)
John Johnston (Reno, Nev.)
C.C. DeLoe (Louisiana Weekly, New Orleans)
Thomas W. Young (Norfolk, Va. publisher)
Bob Weaver
Dorothy Nite (National Council of Negro Women)
Rosa Bragg (National Association of Colored
Women Club)
John Sengstacke (Chicago Defender)
Benjamin Mays (Morehouse College)
Luther Foster (Tuskegee President)

Louis Martin also asked that we consider inviting Judge Hartle and Thurgood Marshall. I am not sure about the propriety of that.

May 9, 1963

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: Albany, Georgia

A. Current Situation

May 6, 1963

1. Albany Movement met at its regular Monday evening weekly meeting. Dr. W. G. Anderson, Negro osteopath, President, stated there would be "mass demonstrations" in the near future (no date given).

2. Charles Sherrod, SNCC Field Representative in charge of the Albany office, said 30 SNCC workers would be coming to Albany soon to work on voter registration. An announcement was made that pickets should meet at the Shiloh Baptist Church on May 11. (We now have no details concerning these pickets.)

May 7, 1963

Twelve Negro juveniles and 1 male adult were arrested for picketing. (No details yet.)

May 8, 1963

Chief of Albany Police, Frichett, advised the FBI that on May 8, 18 Negro juveniles (17 girls, 1 boy) were arrested while picketing the following stores: Crown's Drug, Colonial Grocery, Goldsmith's Clothing Store and Rosenberg's Dept. Store.

May 9, 1963

Jack Greenberg of the NAACP called and said that the Albany Negroes were complaining that the voter registration rolls contained asterisks after the names of all Negroes and did not contain "Miss" or "Mrs." after the names of the Negro women.

We are looking into this and will try to pick up additional information on the current situation in the course of our inquiries.

B. Current Intelligence

1. There is a local bond issue coming up in an election on May 23, 1963 which will cover money for a new library and municipal building. Mayor Kelley has talked to the Negro Business and Professional Club about the bond issue. The issue of segregation was discussed. The Mayor said where federal funds are used there can be no segregation and said that he soon hoped to put chairs back in the library which is opened but chairless.

2. A Negro dentist who is outside the Negro movement but well respected told us today that the Negroes resent the use of dogs and the constant arrests and threats of arrests when picketing takes place. He said that the "white power structure" has said they will negotiate with the "right Negroes".

C. Other Information

Several weeks ago a civil rights action for damages was tried in U.S. District Court at Albany. (Judge Elliott presiding). The defendant was the Sheriff of adjacent Baker County. The plaintiff was a Negro (male) who had been shot three times by the Sheriff (Ware v. Johnson). The jury found for the defendant. A juror, Carl Smith, a white grocer, whose store is in the Negro district in Albany, was picketed and his customers were persuaded not to trade with him. We have ordered a full investigation to determine if there was a violation of 18 U.S.C. 1503

- 3 -

(obstruction of justice). Our investigation is not complete but it appears that the following Negroes have probably violated the statute: Luther Woodall, Robert William Colbert and Vernon Jordan. Picketing of this juror has been played up on local TV and press. The Albany Bar Association has passed a resolution demanding we take action to fully investigate. The Criminal Division (Carl Belcher) is handling the investigation and keeping us advised.

(2) Status of "Albany Movement" lawsuits

These three cases which were consolidated for trial cover all aspects of unlawful segregation in Albany. They're now on appeal to the Fifth Circuit. Brief of appellant (i.e., Negroes) is due around May 24, 1963. We are Amicus in one of these suits. (The suit brought by City officials against the Albany Movement group asking for injunctive relief against picketing and marches.)

John Dear
First Assistant
Civil Rights Division

1 May 1963

MEMORANDUM TO THE ATTORNEY GENERAL

Attached is the complaint I mentioned to you. It is a simple complaint to restrain intimidation by the sheriff of Rankin County, who chased four Negroes of the county out of the Clerk's office where they were attempting to register to vote, beating one of them.

The sheriff has denied this, but the stories of the four Negroes hang together, and there is medical evidence of injuries to one of them.

This matter was brought into public attention also by hearings of the Civil Rights Commission Advisory Committee the week before last.

This is the county represented by Senator McLaurin who was one of the two state senators at Oxford on the night of the riot with proclamations from the Governor. He is now running for Attorney General of the state against Joe Patterson.

We intend to ask Judge Cox for an early hearing for a preliminary injunction. The only reason that the case has not been brought earlier is because the principal Negro witness feared loss of employment if he signed a statement. However, he has now testified in public before the Advisory Committee.

**Burke Marshall
Assistant Attorney General
Civil Rights Division**

D U
29 April 1963

MEMORANDUM TO THE ATTORNEY GENERAL

Charlie Hersky says there is nothing we can do on the budget. However, Barrett Prettyman will see if there is anything to do privately.

BN

-- Walter Tebriner's letter to
Attachment, the AG about Shaw Junior High
School and Dunbar High School

Chrono

29 April 1963

**MEMORANDUM TO THE HONORABLE CARL KATZEN
DEPUTY SPECIAL ASSISTANT TO THE PRESIDENT
FOR INTERNATIONAL SECURITY AFFAIRS**

I discussed with the Attorney General your request that I give the State Department a map of places not to permit Communist representatives to go to in the South. In view of the continually changing situation, he suggests it would be better simply to have them call me as requests come in. I will give prompt responses. Can this be done?

**Burke Marshall
Assistant Attorney General
Civil Rights Division**

~~Check~~
Kennedy
folded

29 April 1963

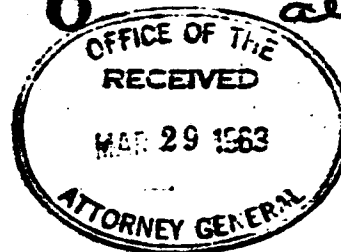
MEMORANDUM TO THE ATTORNEY GENERAL

With respect to the attached,
and our conversation a while back, I
have asked Carl Kayson to see if he
could have the State Department ask me
about particular trips as they are
requested.

BN

Attachment - (Confidential
Memorandum from J. Edgar
Hoover to RFK, dated 3/18/63)

Department of Justice
Washington



PM
29 March 1963

MEMORANDUM FOR THE ATTORNEY GENERAL

1. Senator Stennis and Frank Smith think our proposed lawsuit is not only proper but desirable.
2. The city has been informed that we are going to file the lawsuit unless the Negro workers who were arrested are released today.
3. The Civil Rights Commission is not going to take any action right now. At least four members are very doubtful, however, for any long pull, and we may at some point have to face resignations from Hannah, Hesburgh, Griswold, and Storey. I am sure that no one will do anything without talking to us further, and I told Berl Bernhard that the President would probably want to talk to members of the Commission if necessary.
4. The complaint should be filed in the morning. We will try for an order from Judge Clayton, but will not succeed.
5. I am going to the country. Angie has my telephone number there, and so does the White House operator.

Rule
Can't see this if anything
that would be worthwhile
for the Civil Rights Commission

Ben
Don't see need to
anything useful
don't want the C
commission

2 March 1963

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: Committee on Equal Employment Opportunity

The following is some information I have gathered about the Plans for Progress program and other work of the Committee.

There is no follow-up program in effect at all at the moment on the Plans for Progress as such.

Under the Plans, a section of the Committee's staff receives progress reports for six-month periods. We have summaries of the reports of 40 employers for the six-month period ending December 1962, and also from 22 employers for the twelve-month period ending at that time. The percentage gains are in some cases good. The numerical gains are slight. The gains by region cannot be ascertained from what we have been given. Nor can the breakthrough gains.

The Plans are supervised by two staff members on the Committee. The statistical information from the Plans is not collated with other statistical information collected by the Committee on contractors.

It is apparent that even if there were a follow-up program, it could not be done effectively by two people who spend most of their time on statistical studies.

Following the Southern Regional Council report on the Plans for Progress in the Atlanta area, a survey of 17 of the 24 facilities in that area was

made. The survey showed substantial efforts by Lockheed and Western Electric. It showed partial efforts by other companies. It confirmed the Southern Regional Council report that no efforts have been made by still others.

The Plans for Progress companies are not, however, excluded from the regular compliance program. This is administered by some 14 staff members of the Committee, plus about 50 specialists in the contracting agencies (particularly Defense, AEC, GSA, and NASA).

None of the contracting agency personnel consider it their function to follow-up on Plans for Progress as such. In fact, they are specifically instructed not to do so.

Among the complaints filed during the past year under the compliance program are 461 complaints concerning 121 facilities of 32 of the 104 companies signing Plans for Progress. (This should be compared with the fact that one of the signers, General Electric, alone has 252 facilities.) The complaints occurred in 29 states and 100 cities.

Under the compliance program, these complaints involving Plans for Progress companies are processed exactly the same as if they involved any other government contractor. In other words, there is no advantage from a company's point of view from the standpoint of the complaint-handling portion of the compliance program arising from the fact that the company has signed a Plan for Progress.

All government contractors have to make yearly reports, as against the six-month reports made by Plans for Progress companies. The regular reports have broader job classifications than do the reports filed by the Plans for Progress companies. On the other hand, government contractors which have not signed Plans for Progress report by facility, whereas the Plans for Progress companies report on a regional basis.

Plans for Progress companies do not make the reports made by other government contractors. The reports

made by Plans for Progress companies are not available to the Committee staff (except the two working on Plans) or, as I understand it, to Committee members other than you, the Vice-President, and the Secretary of Labor.

Although there is no follow-up at all on Plans for Progress companies as such, the Committee is instituting this month a systematic review program, involving both statistical review and plant visits, on a spot-check basis, on all government contractors. The Plans for Progress companies will not be excluded from this review. 102 of the 104 Plans for Progress companies are government contractors anyway.

Burke Marshall
Assistant Attorney General
Civil Rights Division

February 20, 1963

Henry Putzel, Jr., Chief
Voting & Elections Section
Civil Rights Division

HP:bab 10,838

D. B. Lewis; Lewis Food Company,
dba Dr. Ross Pet Food; Election Laws.

72-11-39

This memorandum is submitted pursuant to the request which you made to me on February 19, 1962. At that time we discussed what Assistant United States Attorney John Van de Kamp in Los Angeles had indicated to me was a decision or tentative decision not to seek an indictment of the Lewis Food Company for a violation of 18 U.S.C. 610. ^{1/} I had telephoned Mr. Van de Kamp on February 15 to ascertain the status of the case. He advised me that prosecutive action was being withheld following a discussion of the case which the United States Attorney had with the Attorney General on the occasion of his recent visit to Los Angeles. Apart from the anticipated contention on behalf of the defendant that the prosecution is directed against the extreme rightist views of the Lewis Food Company's President, D. B. Lewis, ^{2/} Mr. Van de Kamp said that it was felt that 18 U.S.C. 610 had rarely been invoked and that a clamor would go up that Section 610 was being used against corporations but not against labor unions. I pointed out that precisely the opposite point had been urged when we prosecuted two St. Louis Teamsters Union locals, their officers, and others in 1960. The defendants then contended that the Department had never prosecuted corporations and implied that we were singling out labor unions under the statute. I advised Mr. Van de Kamp that both contentions are not so: there have

^{1/} The facts of the case are summarized in the enclosed copy of the attachment to my memorandum to you of August 21, 1962. The expenditures which we knew about at the time amounted to about \$11,000.00, a larger sum than I can recall has previously been involved in any recent 18 U.S.C. 610 case. Mr. Van de Kamp referred in our conversation to additional expenditures of about \$4,000.00 which just recently came to light. I believe that he said that these were corporate outlays for political TV broadcasts.

Records
Chrono
Marshall
V&E

^{2/} This aspect of the case was mentioned in your memorandum to the Attorney General of August 22, 1962, a copy of which is attached. You were thereafter authorized to proceed with the prosecution.

been several prosecutions under 18 U.S.C. 610, and, despite more than routine prosecutive difficulties there have been occasional convictions of both corporations and labor unions. A brief survey of the background and application of the statute follows.

Legislative background. Corporate contributions for the purpose of influencing the outcome of federal elections were first proscribed by the Act of January 26, 1907, c. 420, 34 Stat. 864. Section 313 of the Federal Corrupt Practices Act, enacted in 1925, 43 Stat. 1070, continued the prohibition and on a somewhat expanded basis, the term "money contribution" being changed to "contribution", which was broadly defined in Sec. 302(d). A temporary banning of labor union contributions in connection with federal elections was effected by the War Labor Disputes Act in 1943, 57 Stat. 167-168. After consideration by various Congressional committees of the avoidance of the prohibition against "contributions" by "expenditures" ^{3/} the Labor Management Relations Act of 1947 ^{4/} was passed, which outlawed expenditures ^{5/} as well as contributions by both corporations and

^{3/} Special Senate Committee to Investigate Presidential, etc., Campaign Expenditures, Senate Report No. 101, 79th Cong., 1st Sess.; House Special Committee to Investigate Campaign Expenditures, 78th Cong., 2d Sess., House Report No. 2093; House Special Committee on Campaign Expenditures, 1946, House Report No. 2739, 79th Cong., 2d Sess.; Special Committee to Investigate Senatorial Campaign Expenditures, 1946, Senate Report No. 1, Part 2, 80th Cong., 1st Sess.

^{4/} Act of June 23, 1947, c. 120, Title III, Section 304, 61 Stat. 159.

^{5/} The prohibition against expenditures as applied to labor unions has raised a substantial constitutional issue of Free Speech. Two cases under the statute against labor unions, the CIO case (United States v. CIO, 335 U.S. 106 (1948)) and the UAW-CIO case (United States v. International Union United Automobile Workers, CIO, 352 U.S. 567 (1957)) have gone to the Supreme Court, but the Court avoided deciding the constitutional issue, which still remains unresolved.

A spate of law review and other articles has concerned this and other problems under 18 U.S.C. 610. Some of the earlier discussions of the statute are referred to in 1 Emerson and Haber, Political and Civil Rights in the United States, 2d ed., 1952, pp. 248-251. Subsequently, there have been many other articles about the statute.

(Continued on page 3.)

labor unions and made the prohibition applicable to primary elections as well as general elections. The application of the section to labor unions was made permanent.

Prosecutive policy. It has been the Department's policy to investigate all substantial complaints of violations of 18 U.S.C. 610 and to prosecute where the facts warrant. While relatively few investigations have led to prosecutive success, there have nevertheless been diligent efforts on the part of the Department to enforce the law despite the uncertainty on the constitutional issue involving labor union expenditures, ^{6/} a narrow reading which some courts have given to the statute, ^{7/} and its awkward language. ^{8/}

Prosecutions against several Michigan corporations resulted from illegal contributions in connection with the 1946 General Election. The results are summarized as follows in the Attorney General's Report: ^{9/}

U.S. v. Northwest Chevrolet, Inc., et al., Western and Eastern Districts of Michigan, grew out of an investigation into alleged illegal contributions by a large number of automobile sales companies and their officers in connection with the 1946 General Election in Michigan. Four automobile sales corporations and 5 of their officers were indicted in Bay City, Michigan, and 16 additional automobile sales corporations and 11 officers thereof were indicted in Detroit, Michigan, for

Continued from page 2.

^{5/} Section 610 has attracted considerable attention by both business and labor. Two years ago, the National Industrial Conference Board held a symposium, during which extensive consideration was given to the statute. See "Company Participation in the Political Process," N.I.C.B., 1961.

^{6/} See CIO and UAW cases, *supra*, footnote 3.

^{7/} United States v. Painters' Local 481, 172 F.2d 854 (C.A. 2, 1949); United States v. Construction and General Laborers' Union, 101 F. Supp. 869 (D.C., W.D. Mo., 1951); United States v. Warehouse, etc., Workers' Union, Local 688 (D.C., E.D. Mo., 1960) (unreported).

^{8/} See Justice Rutledge's concurring opinion in the CIO case, *supra*, footnote 5, at p. 151; former Assistant Attorney General Warren Olney's testimony before the Senate Subcommittee on Rules and Administration, Hearings, 84th Cong., 1st Sess., 1955, pp. 202-203.

^{9/} Annual Report of the Attorney General for the Fiscal Year Ended June 30, 1949, pp. 407-408.

violation of the Federal Corrupt Practices Act. Two corporations and 2 officers were acquitted. Seven corporations pleaded nolo contendere during the fiscal year 3/ and paid fines varying in amount from \$200 to \$1,650. Indictments against 7 of the corporate directors were dismissed.

3/ Eleven other corporate defendants pleaded nolo contendere in July 1949.

Activity under the statute for the years 1930-1936 was summarized by former Assistant Attorney General Warren Olney, as follows. 10/

10/ Hearings before the Senate Subcommittee on Privileges and Elections, 1956, Pt. 2, pp. 362-363.

Since that time, our records show that there have been 130 complaints, 36 limited investigations, 24 extensive investigations, and 7 prosecutions. The prosecutions resulted in two convictions and five acquittals. 11/

11/ Excerpts from the Annual Reports of the Attorney General for the Fiscal Years ending June 30, 1960 (pp. 193-196) and 1961 (pp. 194-196) summarize the most recent prosecutions. A summary, prepared for the 1962 Report, of the outcome of the Local 543 prosecution is quoted below:

United States v. Local 543, International Hod Carriers, Builders and Common Laborers, AFL, et al. This case was prosecuted under 18 U.S.C. 610, which prohibits political contributions and expenditures by corporations and labor organizations and consenting officers of either. References to the case will be found in the Reports for 1959 (pp. 193-196), 1960 (p. 196) and 1961 (p. 196). The case involved a political contribution by a labor union to a Congressional candidate in the general election of 1956, consent by certain officers of the union to the use of union funds for that purpose, and a conspiracy to make such contribution. A companion case charged a representative of the International Union with counselling and advising the destruction and deletion of written records of the contribution. At the trial on September 23, 1961, in the Southern District of West Virginia, the defendants, Local 543 and its business agent, Ray George Fuller, the originator of the scheme, each entered pleas of guilty to two charges. Charges against the other defendants were dismissed. Local 543 was fined the sum of \$200, and Fuller was put on probation for one year.

Report of the President's Commission on Campaign Costs. In 1961 the President appointed his Commission on Campaign Costs, asking that group to make recommendations with respect to improved ways of financing expenditures required of Presidential and Vice Presidential nominees. The Commission issued its report in April 1962, making twelve recommendations. Recommendation No. 4, dealing with 18 U.S.C. 610, is entitled "Prohibition of Partisan Campaign Contributions and Expenditures by Corporations and Labor Unions." It reads as follows:

Section 610 of Title 18, United States Code, is the principal controlling statutory provision relating to political contributions and expenditures by corporations and labor unions. The prohibitions of this section make it unlawful for corporations or labor unions to make ---

a contribution or expenditure in connection with any election at which Presidential and Vice Presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section.

A general misconception appears to exist about the effect and intent of this provision. From our study of the section, its legislative history, and the applicable court decisions, it is clear to us that no distinction is intended between corporations and unions with respect to political contributions and expenditures.

Section 610 reflects a proper congressional policy to restrain equally without exception or discrimination the activities of corporations and labor unions with respect to political contributions and expenditures. We recommend that section 610 be vigorously enforced and that the present equal legislative treatment of these organizations with respect to political contributions and expenditures be maintained.